



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

FEBRUARY 5, 2007

Commissioner Joe Ford, Chairman
Commissioner David Lillard, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Steve Mulroy
Commissioner Mike Ritz

8/27/2007 10:10 AM

2:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff John Thompson

INVOCATION Reverend Jeff Roach
Hope Presbyterian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

GIBSON January 8, 2007
ADOPTED

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

Ordinances

- RITZ
APROVED
1. JOINT ORDINANCE – SECOND READING –
STA 06-001 CC Joint Ordinance (STA 06-001 CC)
amending the Memphis and Shelby County Subdivision
Regulations, adopted by the Shelby County Board of
Commissioners and the City Council of the City of
Memphis on December 19, 1983, being Ordinance and
Resolution No. 3352, so as to make certain changes
therein by revising the requirements for
interconnections of public streets.

Zoning and Subdivisions

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| RITZ
(DEFERRED
TO 02/19/07) | 2. Resolution to release the bond that secured the improvements to Lost Creek P.D. (P.D. 04-381 CC). |
| RITZ
(DEFERRED
TO 02/19/07) | 3. Resolution to release the bond that secured the improvements to Buckingham Farms P.D., Part of Parcel O, Phase 28 (P.D. 95-310 CC). |
| RITZ
(DEFERRED
TO 02/19/07) | 4. Resolution to approve the agreement to secure the improvements to the Spring Creek Ranch P.D., Phase 4, (P.D. 99-306 CO) and authorize recording of the plat. |

Reports and/or Resolutions of Standing Committees

- | | |
|--|---|
| MALONE
ADOPTED | 5. Resolution approving settlement of civil rights lawsuit of Francine Humes. |
| MALONE
ADOPTED | 6. Resolution approving payment of attorney fees and expenses to Attorney Mark Allen in Civil Rights Lawsuit. |
| MULROY
(REMOVED TO
REGULAR
AGENDA)
(DEFERRED
TO 02/19/07) | 7. Resolution authorizing the execution of certain amendments and estoppel agreements with SWH Belz Turley, LLC, to facilitate sale of property on Mud Island, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on December 5, 2006. |
| LILLARD
ADOPTED | 8. Resolution to convey 248 square feet (0.006 acres) of county owned real property, along with the grant of a temporary construction easement across county owned real property, located on the west side of South Third Street, approximately 150 feet north of South Parkway East, to the State of Tennessee, without monetary consideration, for the proposed replacement of a bridge on South Third Street under State Project No. 79023-2218-94. |
| LILLARD
ADOPTED | 9. Resolution to convey one delinquent tax parcel to the City of Memphis for the use and benefit of the Division of Housing and Community Development, for providing affordable housing within the city limits of Memphis. |
| RITZ
(DEFERRED
TO 02/19/07) | 10. Resolution approving proposal agreement between the County of Shelby and the State of Tennessee Department of Transportation for the roadway realignment of SR-1 (North Parkway) from Front Street to SR-14 (Manassas Street) in Shelby County, State Project No. 79960-2223-04. |

**LILLARD
ADOPTED**

11. Resolution approving proposal agreement between the County of Shelby and the State of Tennessee Department of Transportation for roadway improvements of SR-14 (Austin Peay Highway) from SR-385 (Paul Barrett Parkway) to the Tipton County line in Shelby County, State Project No. 79024-2290-14.

**LILLARD
ADOPTED**

12. Resolution approving proposal agreement between the County of Shelby and the State of Tennessee Department of Transportation for bridge and approaches of SR-3 (US Highway 51 North) over Wolf River at L.M. 15.25 in Shelby County, State Project No. 79016-2225-94, Federal Project No. BR-STP-3(66).

**LILLARD
(DEFERRED
TO 02/19/07)**

13. Resolution authorizing Amendment Nos. 5 and 6 to Contract No. CA992518 with Fisher & Arnold, Inc., for the environmental approval and design of Fite Road from U.S. Highway 51 to Woodstock Boulevard and a bridge over the CNIC Railroad and to designate funds in the amount of \$36,566.00 from Encumbrance No. S007121 for Amendments 5 and 6.

**AVERY
ADOPTED**

14. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2006/2007 Operating Budget and to appropriate funds in the amount of \$4,813.00 carried forward from FY 2005/2006 in the Breast and Cervical Cancer Grant Program.

**AVERY
ADOPTED**

15. Resolution to authorize the purchase of professional liability insurance for the registered nurses and nurse practitioners employed by the Memphis and Shelby County Health Department from Marsh Affinity Group Services, through Illinois Union Insurance Company, for a one year period beginning February 28, 2007, at an annual cost of \$83,947.50.

**AVERY
ADOPTED**

16. Resolution endorsing efforts community wide to prevent the implementation of proposed changes to federal Medicaid funding.

**CHISM
ADOPTED**

17. Resolution amending the FY 2006/2007 Byrne Grant Budget of the Office of the District Attorney General for the West Tennessee Violent Crime and Drug Task Force to permit an increase in personnel expenditures.

**CHISM
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

18. Resolution requesting approval of a contract with the City of Memphis in an amount of \$78,500.00 for outside contracts for the District Attorney General's Office for the Shelby County Anti-Gang Initiative.

RITZ
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

19. Resolution approving a contract between Shelby County Government and Kimley-Horn and Associates, Inc., for the purpose of Kimley-Horn and Associates, Inc., preparing the federal mandated twenty year long-range transportation plan for the Memphis Metropolitan Planning Organization in the amount of six hundred three thousand and 00/100 dollars (\$603,000.00). Funding is 80% federal and 20% city/county.

CHISM
ADOPTED

20. Resolution amending the FY 2007 Operating Budget and awarding a sub-award to Shelby County Schools in the amount of \$4,834.00 net of the required ten percent matching contribution pursuant to the Juvenile Accountability Block Grant for the term October 1, 2006 to September 30, 2007.

CHISM
ADOPTED

21. Resolution to accept federal grant funds in the amount of \$21,352,413.00 for the Head Start Program for the period January 1, 2007 to December 31, 2007, and to amend the FY 2006/2007 Shelby County Operating Budget.

CHISM
ADOPTED

22. Resolution approving the Lease Agreement with Glorious Future to provide space for Shelby County Head Start in the amount by \$52,554.00 for the period January 1, 2007 through June 30, 2007.

MALONE
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

MALONE
ADOPTED

23. **ORDINANCE – THIRD READING** – An Ordinance to adopt Supplement No. 30 to the Code of Shelby County, Tennessee.

MALONE
ADOPTED

24. **ORDINANCE – THIRD READING** – An Ordinance to amend Section 2-57, Subsection J of the Shelby County Code of Ordinances relative to the identity of the *Record Keeper of County Contracts*.

CHISM
ADOPTED

25. **ORDINANCE – THIRD READING**- An Ordinance to amend Ordinance No. 41 entitled “Ordinance amending Section 10 of Shelby County Ordinance No. 13 in order to change the location of the Court from the Shelby County Criminal Justice Complex at 201 Poplar Avenue to the Shelby County Courthouse or any other location wherein the General Sessions Court of Shelby County is in session, *relative to the hearing of ordinance violations*”.

Zoning and Subdivisions

**RITZ
ADOPTED**

26.

CASE NO. P.D. 06-342 CC

APPLICANT: Michael Lightman, Sr.

LOCATION: North and south sides of Winchester Road; west of Hacks Cross Road and along both sides of Centennial Drive.

REQUEST: An amendment to include portion of the property north of existing Area A-1 within the boundary of the P.D. to be governed by bulk requirements of the C-P District and to permit hotels/motels as a permitted use within the Areas B, D and E of this P.D.
- Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL WITH CONDITIONS
- Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on Friday, January 26, 2007.)

Reports and/or Resolutions for Standing Committees

**CHISM
ADOPTED
AS AMENDED**

27.

Resolution authorizing Shelby County Government to conduct a request for proposal process for the purpose of obtaining a consultant to conduct a study of Shelby County Juvenile Court.

**CHISM
ADOPTED**

28.

Resolution determining the need and implementation of and appointment of the judge for the Second Division of the Juvenile Court of Shelby County, Tennessee, and directing the Shelby County Attorney to provide an opinion to the Shelby County Board of Commissioners regarding the method for the implementation of the Second Division.

**HARVEY
(DEFERRED
TO 04/09/07)**

29.

Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and /or Ellerbe Becket.

**BROOKS
(DEFERRED
TO 02/19/07)**

30.

Resolution adopting new rules and regulations and bylaws, including membership requirements, for the new Beer Board; and directing the Shelby County Board of Commissioners to proceed with the appointment of new members to the new Beer Board.

MULROY
WITHDRAWN

31. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 49, Chapter 3, Section 315 (5) to authorize the County Trustee to distribute capital funds as prescribed by the county legislative body for specified periods without adhering to the Average Daily Attendance distribution requirement provided that the total distribution of funds at the end for he specified period equals the *Average Daily Attendance distribution of funds*.

MULROY
WITHDRAWN

32. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 49, Chapter 3, Section 1003 (c) (1) to authorize the County Trustee to distribute capital funds as prescribed by the county legislative body for specified periods without adhering to the Average Daily Attendance distribution requirement provided that the total distribution of funds at the end for he specified period equals the *Average Daily Attendance distribution of funds*.

MULROY
ADOPTED

33. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled An Act to amend Tennessee Code Annotated, Title 5, Chapter 17, Section 101, relative to countywide *Fire Districts*."

MULROY
ADOPTED

34. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 5, Chapter 17, Section 103, relative to the *County Fire Chief*."

MULROY
ADOPTED

35. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 7, Chapter 86, Section 105, relative to the *appointment of Emergency Communications District Board of Directors*."

Announcements/Statements

36. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of Richard C. Cushing, John E. Fry, Patricia Mitchell-Worley, Carol Y. Sherrod, and Blair C. Taylor for reappointment to the Memphis and Shelby County *Music Commission*.

- b. Resolution approving the county mayor's nomination of Darrell Cobbins for reappointment to the Memphis and Shelby County *Center City Commission*.
- c. Resolution approving the county mayor's nomination of Barbara A. Duncan-Cody, William Hughes, and Lois H. Stockton for reappointment to the Shelby County *Emergency Communications District Board*.

Adjournment

MULROY
ADOPTED

- 37. Resolution of Adjournment to Monday, February 19, 2007, at 2:30 p.m.

AGENDA #: 4

DATE: FEBRUARY 5, 2007

SUBDIVISION: SPRING CREEK RANCH P.D., PHASE 4 (P.D. 99-306 CO)

DEVELOPER: SPRING CREEK, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO THE SPRING CREEK RANCH P.D., PHASE 4 (P.D. 99-306 CO) AND AUTHORIZE RECORDING OF THE PLAT

LOCATION: NORTH SIDE OF RALEIGH LAGRANGE ROAD; ±1000 FEET EAST OF COLLIERVILLE-ARLINGTON ROAD

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]